

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MEMPHIS BASKETBALL, LLC,

Petitioner,

vs.

MISC. NO. 2:23-mc-00028

SETON HALL UNIVERSITY, KEVIN
WILLARD, TONY TESTA, DEJA CRAIG,
JOHN OR JANE DOES 1-10,

Respondents.

CONSENT ORDER OF DISMISSAL

Before the Court is Petitioner, Memphis Basketball, LLC's ("Memphis Basketball"), Petition to Quash or Modify Respondents' Subpoena Duces Tecum (ECF No. 1), Respondents Cross-Petition to Compel Compliance with Respondents' Subpoena (ECF No. 8), and Respondents' Motion to Transfer Petition to Quash (ECF No. 14).

On July 14, 2021, Myles Powell filed suit against Seton Hall University, Kevin Willard, and Tony Testa (collectively the "Respondents") in the Superior Court of New Jersey, Essex County Civil Division (the "Underlying Case"). The Underlying Case was removed by Respondents to the United States District Court for the District of New Jersey, where it was assigned as Case No. 2:21-cv-13709- WJM-JSA. On February 8, 2023, a protective order (the "Protective Order") was entered in the Underlying Case.

On July 13, 2023, Respondents served Memphis Basketball with a subpoena duces tecum (the "Subpoena") from the Underlying Case. Pursuant to Fed. R. Civ. P. 45, Memphis Basketball moved to quash the Subpoena. In response, Respondents moved to transfer the Petition to Quash

to the United States District Court for the District of New Jersey, or alternatively, compel Memphis Basketball's compliance with the Subpoena.

By agreement of the parties, in order to protect the highly confidential, proprietary aspects of Memphis Basketball's player evaluation processes, Memphis Basketball will produce certain redacted scouting reports, marked "Attorney's Eyes Only," pursuant to, and in accordance with, the Protective Order. Accordingly, by consent, Memphis Basketball has complied with the Subpoena, as narrowed during the meet and confer process and summarily described above, and Memphis Basketball's Petition to Quash or Modify Respondents' Subpoena Duces Tecum (ECF No. 1), Respondents Cross-Petition to Compel Compliance with Respondents' Subpoena (ECF No. 8), and Respondents' Motion to Transfer Petition to Quash (ECF No. 14) are moot and **DISMISSED**.

IT IS SO ORDERED, this 26th day of September, 2023.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

APPROVED BY:



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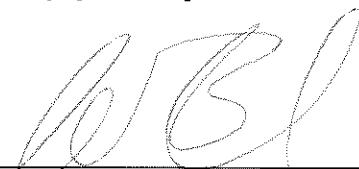
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